

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

JASON KIRK,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-cv-00031
)	Senior Judge Haynes
)	
CORRECTIONS CORPORATION OF)	
AMERICA, et al.,)	
)	
Defendants.)	

O R D E R


Before the Court is the Magistrate Judge’s Report and Recommendation (Docket Entry No. 113), to which Plaintiff filed objections (Docket Entry No. 118). After de novo review, the Report and Recommendation is **ADOPTED**, and Plaintiff’s motion for temporary restraining order and/or preliminary injunction (Docket Entry No. 3) is **DENIED**. Plaintiff’s motions for leave to file an amended complaint (Docket Entry Nos. 49 & 68) are **GRANTED** and Defendants’ motions to strike the amended complaint (Docket Entry Nos. 51 & 59) are **DENIED**. Defendants’ motion for summary judgment (Docket Entry No. 60) is **GRANTED** as to all Corrections Corporation of America (“CCA”) and South Central Correctional Center (“SCCC”) Defendants except Defendants Patricia Harrison and Daniel Harville. Plaintiff’s motions for an evidentiary hearing (Docket Entry Nos. 103 & 111) are **DENIED**. Defendants’ motions to dismiss (Docket Entry Nos. 52, 56, 77) are **GRANTED** as to all Tennessee Department of Correction (“TDOC”) Defendants. Plaintiff’s claims against Defendants Bryant Williams, Kathy Inman, and Joel Foster are **DISMISSED without prejudice** for lack of prosecution.

Plaintiff’s motion to remand for evidentiary hearing in support of summary judgment

proceedings (Docket Entry No. 116) and objections (Docket Entry No. 118) are **DENIED** because the Magistrate Judge correctly concluded that Plaintiff did not exhaust the grievance procedure. The Court lacks jurisdiction to address the merits of Plaintiff's claims that were not exhausted.

It is so **ORDERED**.

ENTERED this the 3rd day of January, 2017.



WILLIAM J. HAYNES, JR.
Senior United States District Judge